

ESTTA Tracking number: **ESTTA228751**Filing date: **08/06/2008**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**Petition for Cancellation**

Notice is hereby given that the following party requests to cancel indicated registration.

**Petitioner Information**

Name	Nautica Apparel, Inc.		
Entity	Corporation	Citizenship	Delaware
Address	40 West 57th Street New York, NY 10019 UNITED STATES		

Attorney information	Stephen L. Baker Baker and Rannells, PA 575 Route 28, Suite 102 Raritan, NJ 08869 UNITED STATES s.baker@br-tmlaw.com,n.friedman@br-tmlaw.com,d.comunale@br-tmlaw.com, K.Hnasko@br-tmlaw.com,officeactions@br-tmlaw.com Phone:908-722-5640
----------------------	---

**Registration Subject to Cancellation**

Registration No	3468343	Registration date	07/15/2008
International Registration No.	NONE	International Registration Date	NONE
Registrant	Frank Dilbakowski K&ouml;nigsbergerstr. 15 31737 Rinteln  GERMANY		

**Goods/Services Subject to Cancellation**

Class 014. All goods and services in the class are cancelled, namely: Watch boxes; clocks; watches; chronographs for use as watches
---

**Grounds for Cancellation**

Priority and likelihood of confusion	Trademark Act section 2(d)
Dilution	Trademark Act section 43(c)

**Marks Cited by Petitioner as Basis for Cancellation**

U.S. Registration No.	2697078	Application Date	12/08/2000
Registration Date	03/18/2003	Foreign Priority Date	NONE
Word Mark	NAUTEX		

Design Mark	
Description of Mark	NONE
Goods/Services	Class 024. First use: First Use: 1992/07/25 First Use In Commerce: 1992/07/25 FABRICS FOR USE IN THE MANUFACTURE OF WEARING APPAREL Class 025. First use: First Use: 1992/07/25 First Use In Commerce: 1992/07/25 JACKETS, COATS, AND FOUL WEATHER GEAR, NAMELY, RAIN AND SNOW JACKETS

U.S. Registration No.	1862585	Application Date	11/23/1993
Registration Date	11/15/1994	Foreign Priority Date	NONE
Word Mark	NAUTICA		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 025. First use: First Use: 1992/02/00 First Use In Commerce: 1992/02/00 footwear		

U.S. Registration No.	2731466	Application Date	02/16/2002
Registration Date	07/01/2003	Foreign Priority Date	NONE
Word Mark	NAUTICA		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 024. First use: First Use: 1998/08/00 First Use In Commerce: 1998/08/00 Mattress pads and bed vests		

U.S. Registration No.	2865229	Application Date	07/29/2003
Registration Date	07/20/2004	Foreign Priority Date	NONE
Word Mark	NAUTICA		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 028. First use: First Use: 2003/03/00 First Use In Commerce: 2003/03/00 SPORTING GOODS, NAMELY, SPORT BALLS		

U.S. Registration No.	3114862	Application Date	08/27/2003
Registration Date	07/11/2006	Foreign Priority Date	NONE
Word Mark	NAUTICA		
Design Mark			
Description of Mark	NONE		

Goods/Services	Class 024. First use: First Use: 2004/06/01 First Use In Commerce: 2004/06/01 DRAPERY FABRICS; AND TEXTILE FABRICS FOR USE IN THE FIELD OF HOME FURNISHINGS		
----------------	--	--	--

U.S. Registration No.	2865299	Application Date	08/28/2003
Registration Date	07/20/2004	Foreign Priority Date	NONE
Word Mark	NAUTICA		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 020. First use: First Use: 1998/08/00 First Use In Commerce: 1998/08/00 Pillows		

U.S. Registration No.	2865300	Application Date	08/28/2003
Registration Date	07/20/2004	Foreign Priority Date	NONE
Word Mark	NAUTICA		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 024. First use: First Use: 1998/08/00 First Use In Commerce: 1998/08/00 DUVETS, DUVET COVERS, PILLOW CASES AND PILLOW PROTECTORS		

U.S. Application No.	78763730	Application Date	11/30/2005
Registration Date	NONE	Foreign Priority Date	NONE
Word Mark	NAUTICA		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 028. First use: Plush toys; Stuffed toy animals; Toy vehicles		

U.S. Registration No.	3114379	Application Date	12/01/2005
Registration Date	07/11/2006	Foreign Priority Date	NONE
Word Mark	NAUTICA		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 036. First use: First Use: 1991/01/01 First Use In Commerce: 1991/01/01 Financial sponsorship of sporting events, tournaments, competitions and contests Class 041. First use: First Use: 1991/01/01 First Use In Commerce: 1991/01/01 Organizing and operating sporting events, tournaments, competitions and		

	contests		
U.S. Registration No.	3232846	Application Date	02/28/2006
Registration Date	04/24/2007	Foreign Priority Date	NONE
Word Mark	NAUTICA		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 035. First use: First Use: 1987/04/22 First Use In Commerce: 1987/04/22 Retail store services in the field of wearing apparel, fashion accessories, home fashions, eyewear, luggage and personal care products		
U.S. Registration No.	3233030	Application Date	05/17/2006
Registration Date	04/24/2007	Foreign Priority Date	NONE
Word Mark	NAUTICA		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 014. First use: First Use: 1989/07/01 First Use In Commerce: 1989/07/01 Watches		
U.S. Application No.	77085720	Application Date	01/18/2007
Registration Date	NONE	Foreign Priority Date	NONE
Word Mark	NAUTICA		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 025. First use: Wet suit gloves; Wet suits; Wet suits for water-skiing and sub-aqua		
U.S. Application No.	77085766	Application Date	01/18/2007
Registration Date	NONE	Foreign Priority Date	NONE
Word Mark	NAUTICA		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 028. First use: Floating recreational lounge chairs; Floats for recreational use, namely, arm floats, foam floats, swim floats; Inflatable float mattresses or pads for recreational use; Inflatable inner tubes for aquatic recreational use; Inflatable mattresses for recreational use; Inflatable ride-on toys; Kick board flotation devices for recreational use; Paddle boards; Swim boards for recreational use;		

	Swim fins; Swim floats for recreational use; Swimming aids, namely, pool rings, arms floats for recreational use; Trampolines Class 030. First use: Floating islands
--	--

U.S. Registration No.	3437314	Application Date	05/02/2007
Registration Date	05/27/2008	Foreign Priority Date	NONE
Word Mark	NAUTICA		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 012. First use: First Use: 2008/01/15 First Use In Commerce: 2008/01/15 Boats; rafts; dinghies		

U.S. Application No.	77414495	Application Date	03/06/2008
Registration Date	NONE	Foreign Priority Date	NONE
Word Mark	NAUTICA		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 024. First use: First Use: 1997/04/00 First Use In Commerce: 1997/07/00 Comforters; Bed and table linen; Bed blankets; Bed linen; Bed linen and table linen; Bed pads; Bed sheets; Bed skirts; Bed spreads; Curtains; Shower curtains; Bath towels; Beach towels; Hand towels; Towels; Washcloths; Washing mitts; Bath linen		

U.S. Registration No.	1464663	Application Date	11/20/1986
Registration Date	11/10/1987	Foreign Priority Date	NONE
Word Mark	NAUTICA		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 025. First use: First Use: 1985/05/03 First Use In Commerce: 1985/05/03 HOSIERY, SHOES, UNDERSHIRTS, UNDERSHORTS, SHIRTS, BLOUSES, TROUSERS, JACKETS, PANTS, COATS, SUITS, BATHING SUITS, BATHROBES, SLIPPERS AND SHORTS		

U.S. Registration No.	1557528	Application Date	08/09/1988
Registration Date	09/26/1989	Foreign Priority Date	NONE
Word Mark	NAUTICA		
Design Mark			
Description of	NONE		

Mark	
Goods/Services	Class 003. First use: First Use: 1987/01/05 First Use In Commerce: 1987/01/05 PERFUMES AND ESSENTIAL OILS FOR PERSONAL USE

U.S. Registration No.	1882757	Application Date	02/04/1993
Registration Date	03/07/1995	Foreign Priority Date	NONE
Word Mark	NAUTICA		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 003. First use: First Use: 1993/06/00 First Use In Commerce: 1993/06/00 toiletries for men, namely shaving cream and toilet soap		

U.S. Registration No.	2304411	Application Date	09/18/1995
Registration Date	12/28/1999	Foreign Priority Date	NONE
Word Mark	NAUTICA		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 011. First use: First Use: 1998/10/00 First Use In Commerce: 1999/01/28 lamps		

U.S. Registration No.	2246317	Application Date	09/18/1995
Registration Date	05/18/1999	Foreign Priority Date	NONE
Word Mark	NAUTICA		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 020. First use: First Use: 1997/12/00 First Use In Commerce: 1998/01/00 outdoor furniture; living room furniture; bedroom furniture; furniture, namely wall units; furniture tables; bookcases; and picture frames		

U.S. Registration No.	2306324	Application Date	09/18/1995
Registration Date	01/04/2000	Foreign Priority Date	NONE
Word Mark	NAUTICA		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 021. First use: First Use: 1998/10/00 First Use In Commerce: 1999/02/01 glass and plastic beverageware; dinnerware; coasters (not of paper or linen); paper plates; paper cups; candlesticks not of precious metal		

U.S. Registration No.	2247914	Application Date	09/18/1995
Registration Date	05/25/1999	Foreign Priority Date	NONE
Word Mark	NAUTICA		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 024. First use: First Use: 1997/04/00 First Use In Commerce: 1997/06/00 table liners, table mats not of paper; place mats not of paper; table napkins not of paper; pot holders; oven mitts; table cloths not of paper; kitchen towels; upholstery fabrics; and textile wall hangings		

U.S. Registration No.	2242969	Application Date	09/18/1995
Registration Date	05/04/1999	Foreign Priority Date	NONE
Word Mark	NAUTICA		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 027. First use: First Use: 1998/09/00 First Use In Commerce: 1998/09/00 rugs, wall paper, and vinyl wall covering		

U.S. Registration No.	3109967	Application Date	06/04/2003
Registration Date	06/27/2006	Foreign Priority Date	NONE
Word Mark	NAUTICA BEACH		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 025. First use: First Use: 2003/10/00 First Use In Commerce: 2003/10/00 Clothing, namely, men's, women's and children's bathing suits, swim trunks, swim suits, beach cover-ups, shorts, pants, woven and knitted shirts, warm-up suits, sweat shirts and pants and bathing caps		

U.S. Registration No.	3447065	Application Date	08/30/2006
Registration Date	06/10/2008	Foreign Priority Date	NONE
Word Mark	NAUTICA BERMUDA BLUE		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 003. First use: First Use: 2008/02/15 First Use In Commerce: 2008/02/15 Body spray used as a personal deodorant and as fragrance; Perfumery		

U.S. Registration No.	2993023	Application Date	03/13/2002
-----------------------	---------	------------------	------------

Registration Date	09/06/2005	Foreign Priority Date	NONE
Word Mark	NAUTICA BLUE		
Design Mark			
Description of Mark	The mark is presented in standard characters, without claim to any particular font, style, size or color		
Goods/Services	Class 025. First use: First Use: 2000/09/00 First Use In Commerce: 2000/09/00 Men's, women's and children's wearing apparel, namely, hosiery, shoes, sneaker, boots, moccasins, undershirts, boxer shirts, shirts, blouses, trousers, pants, jackets, coats, suits bathing suits, bathrobes, slippers, shorts, ties, neckwear, scarves, socks, hats and caps, gloves and mufflers, belts and suspenders and foul weather gear		

U.S. Registration No.	2987139	Application Date	03/14/2002
Registration Date	08/23/2005	Foreign Priority Date	NONE
Word Mark	NAUTICA BLUE		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 025. First use: First Use: 2000/10/00 First Use In Commerce: 2000/10/00 MEN'S, WOMEN' AND CHILDREN'S WEARING APPAREL, NAMELY, UNDERSHIRTS, T-SHIRTS, SHIRTS, BLOUSES, PANTS, SHORTS BATHING SUITS AND SWIMWEAR		

U.S. Registration No.	3170055	Application Date	06/09/2005
Registration Date	11/07/2006	Foreign Priority Date	NONE
Word Mark	NAUTICA BLUE		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 003. First use: First Use: 2006/02/00 First Use In Commerce: 2006/02/00 PERFUMERY, AFTER SHAVE LOTIONS		

U.S. Registration No.	3076597	Application Date	04/12/2005
Registration Date	04/04/2006	Foreign Priority Date	NONE
Word Mark	NAUTICA COMPETITION		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 003. First use: First Use: 1997/05/00 First Use In Commerce: 1997/05/00 cosmetics and toiletries for men and women, namely, colognes, skin cleansers, skin toners, cosmetic skin creams and lotions, shaving cream, after-shave lotion, after-shave cream, toilet soap, talcum powder, bath oil, personal deodorants, shampoo and conditioner		



U.S. Registration No.	3076794	Application Date	04/21/2005
Registration Date	04/04/2006	Foreign Priority Date	NONE
Word Mark	NAUTICA COMPETITION		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 018. First use: First Use: 1996/10/00 First Use In Commerce: 1996/10/00 luggage, carry-on bags garment bags for travel, duffle bags, shoulder bags, tote bags, clutch bags, wallets and key cases		

U.S. Registration No.	3076796	Application Date	04/21/2005
Registration Date	04/04/2006	Foreign Priority Date	NONE
Word Mark	NAUTICA COMPETITION		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 025. First use: First Use: 1996/04/00 First Use In Commerce: 1996/04/00 men's, women's and children's wearing apparel, namely, shoes, sneakers, boots, undershirts, shirts, pants, jackets, coats, bathing suits, bathrobes, pajamas, slippers, shorts, ties, socks, hats, caps, gloves and foul weather gear		

U.S. Registration No.	1523565	Application Date	03/31/1987
Registration Date	02/07/1989	Foreign Priority Date	NONE
Word Mark	NAUTICA		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 025. First use: First Use: 1985/05/03 First Use In Commerce: 1985/05/03 HOSIERY, SHOES, UNDERSHIRTS, UNDERSHORTS, SHIRTS, BLOUSES, TROUSERS, PANTS, JACKETS, COATS, SUITS, BATHING SUITS, BATHROBES, SLIPPERS AND SHORTS		

U.S. Registration No.	3272760	Application Date	07/17/2003
Registration Date	07/31/2007	Foreign Priority Date	NONE
Word Mark	NAUTICA GOLF		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 025. First use: First Use: 2006/01/25 First Use In Commerce: 2006/01/25 Men's, namely, shirts, tops, sweaters, jackets, pants, bottoms, hats and caps; [ shorts, rainwear, trousers, outer shirts namely, polo, and sports shirts, collars ]		

U.S. Application No.	78912365	Application Date	06/20/2006
Registration Date	NONE	Foreign Priority Date	NONE
Word Mark	NAUTICA ISLAND		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 025. First use: Blazers; Caps; Coats; Hats; Jackets; Pants; Shirts; Shorts; Sweaters; Swimsuits; T-shirts		

U.S. Registration No.	2474154	Application Date	03/19/1999
Registration Date	07/31/2001	Foreign Priority Date	NONE
Word Mark	NAUTICA JEANS		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 025. First use: First Use: 1999/01/00 First Use In Commerce: 1999/05/00 MEN, WOMEN AND CHILDREN'S WEARING APPAREL, NAMELY, HOSIERY, SHOES, SNEAKERS, BOOTS, MOCCASINS, UNDERSHIRTS, BOXER SHORTS, SHIRTS, BLOUSES, TROUSERS, PANTS, JACKETS, COATS, SUITS, BATHING SUITS, BATHROBES, SLIPPERS, SHORTS, TIES, NECKWEAR, SCARVES, SOCKS, HATS AND CAPS, GLOVES AND MUFFLERS, AND FOUL WEATHER GEAR, BELTS AND SUSPENDERS		

U.S. Registration No.	2523102	Application Date	03/19/1999
Registration Date	12/25/2001	Foreign Priority Date	NONE
Word Mark	NAUTICA JEANS COMPANY		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 025. First use: First Use: 1999/01/00 First Use In Commerce: 1999/05/00 MEN, WOMEN AND CHILDREN'S WEARING APPAREL, NAMELY, HOSIERY, SHOES, [ SNEAKERS, BOOTS, MOCCASINS, ] UNDERSHIRTS, BOXER SHORTS, SHIRTS, BLOUSES, TROUSERS, PANTS, JACKETS, COATS, [ SUITS, ] BATHING SUITS, BATHROBES, [ SLIPPERS, ] SHORTS, [ TIES, NECKWEAR, ] SCARVES, SOCKS, HATS AND CAPS, GLOVES AND [ MUFFLERS, ] AND FOUL WEATHER GEAR, [ BELTS AND SUSPENDERS ]		

U.S. Application No.	78713715	Application Date	09/15/2005
Registration Date	NONE	Foreign Priority Date	NONE
Word Mark	NAUTICA NAVY		
Design Mark			
Description of	NONE		

Mark	
Goods/Services	Class 025. First use: Bathing suits; Bathing suits for men; Bathing trunks; Bathrobes; Blouses; Coats; Gloves; Hats; Jackets; Jeans; Men's suits, women's suits; Pajamas; Pants; Scarves; Shirts; Shoes; Shorts

U.S. Application No.	77444030	Application Date	04/09/2008
Registration Date	NONE	Foreign Priority Date	NONE
Word Mark	NAUTICA OCEAN		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 003. First use: Fragrances for personal use		

U.S. Application No.	77444022	Application Date	04/09/2008
Registration Date	NONE	Foreign Priority Date	NONE
Word Mark	NAUTICA OCEANS		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 003. First use: Fragrances for personal use		

U.S. Application No.	77081234	Application Date	01/11/2007
Registration Date	NONE	Foreign Priority Date	NONE
Word Mark	NAUTICA OPTIONS		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 025. First use: Dress shirts; Jackets; Men's suits; Neckwear; Overcoats; Pants		

U.S. Registration No.	3232827	Application Date	02/14/2006
Registration Date	04/24/2007	Foreign Priority Date	NONE
Word Mark	NAUTICA PERFORMANCE TRAVEL GEAR		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 018. First use: First Use: 2005/09/00 First Use In Commerce: 2005/09/00 Briefcases; Duffel bags; Garment bags for travel; Handbags; Knapsacks; Leather shopping bags; Luggage; Shopping bags with wheels attached;		

	Suitcases; Textile shopping bags; Trunks; Wallets		
U.S. Registration No.	1553539	Application Date	06/24/1988
Registration Date	08/29/1989	Foreign Priority Date	NONE
Word Mark	NAUTICA		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 009. First use: First Use: 1987/01/05 First Use In Commerce: 1987/01/05 SPECTACLES, NAMELY EYEGLASSES AND SUNGLASSES, AND ACCESSORIES, NAMELY CASES AND STRAPS		
U.S. Registration No.	1580007	Application Date	08/09/1988
Registration Date	01/30/1990	Foreign Priority Date	NONE
Word Mark	NAUTICA		
Design Mark			
Description of Mark	NONE		
Goods/Services	<p>Class 016. First use: First Use: 1987/01/05 First Use In Commerce: 1987/01/05 NOTEBOOKS, DESK TOP ORGANIZERS, CALENDARS, AND PHONEBOOK COVERS MADE OF LEATHER OR IMITATION LEATHER</p> <p>Class 018. First use: First Use: 1987/01/05 First Use In Commerce: 1987/01/05 UMBRELLAS, LUGGAGE, TRUNKS, DUFFLE BAGS, GARMENT BAGS FOR TRAVELING, TRAVEL KITS AND LEATHER BOXES IN THE NATURE OF JEWELRY BOXES</p> <p>Class 025. First use: First Use: 1987/01/05 First Use In Commerce: 1987/01/05 BELTS AND SUSPENDERS</p>		
U.S. Registration No.	1873011	Application Date	11/12/1991
Registration Date	01/10/1995	Foreign Priority Date	NONE
Word Mark	NAUTICA		
Design Mark			
Description of Mark	NONE		
Goods/Services	<p>Class 006. First use: First Use: 1991/01/00 First Use In Commerce: 1991/04/00 key rings, key fobs, key holders and money clips</p> <p>Class 014. First use: First Use: 1991/01/00 First Use In Commerce: 1991/04/00 tie clips and collar pins</p> <p>Class 018. First use: First Use: 1991/01/00 First Use In Commerce: 1991/04/00 wallets, hipfold wallets, trifold wallets, key cases, tie cases for travel, shoulder bags, tote bags; clutch bags, carry-on bags</p> <p>Class 026. First use: First Use: 1988/01/00 First Use In Commerce: 1988/09/00 buttons for clothing; hair accessories; namely, barrettes and hairbands]</p>		

U.S. Registration No.	2292976	Application Date	09/18/1995
Registration Date	11/16/1999	Foreign Priority Date	NONE
Word Mark	NAUTICA		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 008. First use: First Use: 1998/11/00 First Use In Commerce: 1999/03/00 tableware, namely forks, knives and spoons		

U.S. Registration No.	3170094	Application Date	07/12/2005
Registration Date	11/07/2006	Foreign Priority Date	NONE
Word Mark	NAUTICA VOYAGE		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 003. First use: First Use: 2006/04/00 First Use In Commerce: 2006/04/00 PERFUMERY, AFTER SHAVE LOTIONS		

U.S. Registration No.	3168753	Application Date	02/07/2006
Registration Date	11/07/2006	Foreign Priority Date	NONE
Word Mark	NAUTICAKIDS		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 025. First use: First Use: 2004/05/00 First Use In Commerce: 2004/05/00 Coats; Dresses; Footwear; Gloves; Headwear; Jackets; Jeans; Pajamas; Pants; Raincoats; Robes; Scarves; Shirts; Shorts; Skirts; Sweaters; Swimsuits; T-shirts; Trousers; Underwear; Vests		

U.S. Registration No.	3165348	Application Date	04/11/2006
Registration Date	10/31/2006	Foreign Priority Date	NONE
Word Mark	NAUTICAKIDS		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 035. First use: First Use: 2003/03/00 First Use In Commerce: 2003/03/00 Retail apparel stores; Retail clothing stores; Retail department stores		

U.S. Registration No.	3165353	Application Date	04/25/2006
Registration Date	10/31/2006	Foreign Priority Date	NONE

Word Mark	NAUTICAKIDS
Design Mark	
Description of Mark	NONE
Goods/Services	Class 011. First use: First Use: 2005/08/00 First Use In Commerce: 2005/08/00 Lamp shades; Lamps

U.S. Registration No.	3165351	Application Date	04/25/2006
Registration Date	10/31/2006	Foreign Priority Date	NONE
Word Mark	NAUTICAKIDS		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 024. First use: First Use: 2005/08/00 First Use In Commerce: 2005/08/00 Bed linen; Bed pads; Bed sheets; Bed skirts; Bed spreads; Children's blankets; Children's towels; Crib bumpers; Curtains; Fabric window coverings and treatments, namely curtains, draperies, sheers, swags and valances; Pillowcases; Quilts		

U.S. Registration No.	3165352	Application Date	04/25/2006
Registration Date	10/31/2006	Foreign Priority Date	NONE
Word Mark	NAUTICAKIDS		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 028. First use: First Use: 2005/08/00 First Use In Commerce: 2005/08/00 Crib mobiles; Mobiles for children; Toy mobiles		

U.S. Registration No.	3165354	Application Date	04/26/2006
Registration Date	10/31/2006	Foreign Priority Date	NONE
Word Mark	NAUTICAKIDS		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 027. First use: First Use: 2005/08/00 First Use In Commerce: 2005/08/00 Wallpaper; Wallpaper in the nature of roomsize decorative adhesive wall coverings		

U.S. Registration No.	3445949	Application Date	01/11/2007
Registration Date	06/10/2008	Foreign Priority Date	NONE
Word Mark	NAUTICARE		
Design Mark			

Description of Mark	NONE
Goods/Services	Class 025. First use: First Use: 2008/02/00 First Use In Commerce: 2008/02/00 Dress shirts; Jackets; Men's suits; Neckwear; Overcoats; Pants

Attachments	76177936#TMSN.gif ( 1 page )( bytes ) 76371274#TMSN.gif ( 1 page )( bytes ) 78763730#TMSN.jpeg ( 1 page )( bytes ) 78764381#TMSN.jpeg ( 1 page )( bytes ) 78825489#TMSN.jpeg ( 1 page )( bytes ) 78885472#TMSN.jpeg ( 1 page )( bytes ) 77085720#TMSN.jpeg ( 1 page )( bytes ) 77085766#TMSN.jpeg ( 1 page )( bytes ) 77171078#TMSN.jpeg ( 1 page )( bytes ) 77414495#TMSN.jpeg ( 1 page )( bytes ) 73631447#TMSN.jpeg ( 1 page )( bytes ) 74730051#TMSN.jpeg ( 1 page )( bytes ) 74730052#TMSN.jpeg ( 1 page )( bytes ) 74730054#TMSN.jpeg ( 1 page )( bytes ) 74730053#TMSN.jpeg ( 1 page )( bytes ) 78963691#TMSN.jpeg ( 1 page )( bytes ) 78114601#TMSN.gif ( 1 page )( bytes ) 78647283#TMSN.jpeg ( 1 page )( bytes ) 78606800#TMSN.jpeg ( 1 page )( bytes ) 78613836#TMSN.jpeg ( 1 page )( bytes ) 78614003#TMSN.jpeg ( 1 page )( bytes ) 73652468#TMSN.gif ( 1 page )( bytes ) 78912365#TMSN.jpeg ( 1 page )( bytes ) 75664161#TMSN.gif ( 1 page )( bytes ) 78713715#TMSN.jpeg ( 1 page )( bytes ) 77444030#TMSN.jpeg ( 1 page )( bytes ) 77444022#TMSN.jpeg ( 1 page )( bytes ) 77081234#TMSN.jpeg ( 1 page )( bytes ) 78814361#TMSN.jpeg ( 1 page )( bytes ) 73737613#TMSN.gif ( 1 page )( bytes ) 73745061#TMSN.gif ( 1 page )( bytes ) 74220315#TMSN.gif ( 1 page )( bytes ) 74730265#TMSN.gif ( 1 page )( bytes ) 78668277#TMSN.jpeg ( 1 page )( bytes ) 78809150#TMSN.jpeg ( 1 page )( bytes ) 78858780#TMSN.jpeg ( 1 page )( bytes ) 78868779#TMSN.jpeg ( 1 page )( bytes ) 78868734#TMSN.jpeg ( 1 page )( bytes ) 78868759#TMSN.jpeg ( 1 page )( bytes ) 78869724#TMSN.jpeg ( 1 page )( bytes ) 77081223#TMSN.jpeg ( 1 page )( bytes ) Petition for Cancellation.pdf ( 8 pages )(27144 bytes )
-------------	--

## Certificate of Service

The undersigned hereby certifies that a copy of this paper has been served upon all parties, at their address record by First Class Mail on this date.

Signature	/Stephen L. Baker/
Name	Stephen L. Baker
Date	08/06/2008





IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

In the Matter of Registration No. 3468343

Registered: July 15, 2008

-----X  
NAUTICA APPAREL, INC.

Cancellation No.:

Petitioner,  
v.

Mark: NAUTICFISH  
Reg. No.: 3468343  
Filed: August 13, 2007  
Issued: July 15, 2008

FRANK DILBAKOWSKI,

Registrant.  
-----X

PETITION FOR CANCELLATION  
PURSUANT TO 15 U.S.C. SECTION 1064(a)

In the matter of Trademark Reg. No. 3468343 for NAUTICFISH for watch boxes; clocks; watches; chronographs for use as watches ("Registrant's Goods") in Int. Class 014, issued to Frank Dilbakowski ("Registrant") on July 15, 2008, Nautica Apparel, Inc., ("Petitioner") a corporation organized and existing under the laws of Delaware, located and doing business at 40 West 57th Street, New York, New York 10019, believes that it will be damaged by the continued registration of NAUTICFISH as Registrant's mark and hereby petitions to cancel said registration pursuant to 15 U.S.C. §1064 (Trademark Act of 1946, §14).

As grounds of cancellation, it is alleged that:

1. U.S. Registration No. 3468343 issued July 15, 2008 to Frank Dilbakowski.
2. Upon information and belief, Registrant is a German citizen residing at Königsbergerstr. 15, 31737 Rinteln, Fed. Rep. Germany.
3. The Registration covers the trademark NAUTIFISH for watch boxes; clocks; watches; chronographs for use as watches in International Class 014.

4. Petitioner is the owner of numerous trademarks in a variety and constantly expanding number of classes including the NAUTICA marks, marks that contain the word NAUTICA and variations thereof (“Petitioner's Marks”) as trademarks, trade names, and as service marks applied to a wide range of goods and services directed to wholesale and retail consumers.

5. Petitioner is now and for many years has been trading as and known by the Petitioner's Marks, identifying Petitioner as the source of a wide variety of goods, including goods substantially identical to and generally related to Registrant's Goods offered under its mark.

6. Petitioner is now and has been, for many years prior to any date which may be claimed by Registrant, engaged in the sale of a wide variety of goods and services (collectively “Petitioner's Goods and Services”), including but not limited to watches, apparel and related consumer goods and retail store services under its trademarks, trade names and/or service marks NAUTICA and variations thereof in interstate commerce.

7. Petitioner is now and has been, for many years prior to any date which may be claimed by Registrant, engaged in the sale of Petitioner's Goods and Services under Petitioner's Marks.

8. Petitioner is the owner of, inter alia, the following U.S. trademark registrations and applications:

MARK	Serial No.	Application Date	Registration No.	Registration Date	Class
NAUTEX	76177936	8-Dec-2000	2697078	18-Mar-2003	24, 25
NAUTICA	74462464	23-Nov-1993	1862585	15-Nov-1994	25
NAUTICA	76371274	16-Feb-2002	2731466	1-Jul-2003	24
NAUTICA	78280401	29-Jul-2003	2865229	20-Jul-2004	28

MARK	Serial No.	Application Date	Registration No.	Registration Date	Class
NAUTICA	78292765	27-Aug-2003	3114862	11-Jul-2006	24
NAUTICA	78293501	28-Aug-2003	2865299	20-Jul-2004	20
NAUTICA	78293506	28-Aug-2003	2865300	20-Jul-2004	24
NAUTICA	78763730	30-Nov-2005			28
NAUTICA	78764381	1-Dec-2005	3114379	11-Jul-2006	41
NAUTICA	78825489	28-Feb-2006	3232846	24-Apr-2007	35
NAUTICA	78885472	17-May-2006	3233030	24-Apr-2007	14
NAUTICA	77085720	18-Jan-2007			25
NAUTICA	77085766	18-Jan-2007			28
NAUTICA	77171078	2-May-2007	3437314	27-May-2008	12
NAUTICA	77414495	6-Mar-2008			24
NAUTICA	73631447	20-Nov-1986	1464663	10-Nov-1987	25
NAUTICA	73745058	9-Aug-1988	1557528	26-Sep-1989	3
NAUTICA	74355511	4-Feb-1993	1882757	7-Mar-1995	3
NAUTICA	74730271	18-Sep-1995	2304411	28-Dec-1999	11
NAUTICA	74730051	18-Sep-1995	2246317	18-May-1999	20
NAUTICA	74730052	18-Sep-1995	2306324	4-Jan-2000	21
NAUTICA	74730054	18-Sep-1995	2247914	25-May-1999	24
NAUTICA	74730053	18-Sep-1995	2242969	4-May-1999	27
NAUTICA BEACH	78258096	4-Jun-2003	3109967	27-Jun-2006	25
NAUTICA BERMUDA BLUE	78963691	30-Aug-2006	3447065	10-Jun-2008	3
NAUTICA BLUE	78114601	13-Mar-2002	2993023	6-Sep-2005	25
NAUTICA BLUE	78114981	14-Mar-2002	2987139	23-Aug-2005	25
NAUTICA BLUE	78647283	9-Jun-2005	3170055	7-Nov-2006	3

MARK	Serial No.	Application Date	Registration No.	Registration Date	Class
NAUTICA COMPETITION	78606800	12-Apr-2005	3076597	4-Apr-2006	3
NAUTICA COMPETITION	78613836	21-Apr-2005	3076794	4-Apr-2006	18
NAUTICA COMPETITION	78614003	21-Apr-2005	3076796	4-Apr-2006	25
NAUTICA EMBLEM	73652468	31-Mar-1987	1523565	7-Feb-1989	25
NAUTICA GOLF	78275303	17-Jul-2003	3272760	31-Jul-2007	25
NAUTICA ISLAND	78912365	20-Jun-2006			25
NAUTICA JEANS	75664161	19-Mar-1999	2474154	31-Jul-2001	25
NAUTICA JEANS COMPANY	75663915	19-Mar-1999	2523102	25-Dec-2001	25
NAUTICA NAVY	78713715	15-Sep-2005			25
NAUTICA OCEAN	77444030	9-Apr-2008			3
NAUTICA OCEANS	77444022	9-Apr-2008			3
NAUTICA OPTIONS	77081234	11-Jan-2007			25
NAUTICA PERFORMANCE TRAVEL GEAR	78814361	14-Feb-2006	3232827	24-Apr-2007	18
NAUTICA	73737613	24-Jun-1988	1553539	29-Aug-1989	9
NAUTICA	73745061	30-Jan-1990	1580007	30-Jan-1990	16 18 25
NAUTICA	74220315	12-Nov-1991	1873011	10-Jan-1995	6 14 18 26
NAUTICA	74730265	18-Sep-1995	2292976	16-Nov-1999	8
NAUTICA VOYAGE	78668277	12-Jul-2005	3170094	7-Nov-2006	3
NAUTICAKIDS	78809150	7-Feb-2006	3168753	7-Nov-2006	25
NAUTICAKIDS	78858780	11-Apr-2006	3165348	31-Oct-2006	35
NAUTICAKIDS	78868779	25-Apr-2006	3165353	31-Oct-2006	11
NAUTICAKIDS	78868734	25-Apr-2006	3165351	31-Oct-2006	24
NAUTICAKIDS	78868759	25-Apr-2006	3165352	31-Oct-2006	28

MARK	Serial No.	Application Date	Registration No.	Registration Date	Class
NAUTICAKIDS	78869724	26-Apr-2006	3165354	31-Oct-2006	27
NAUTICARE	77081223	11-Jan-2007	3445949	10-Jun-2008	25

9. Petitioner's Mark and Registrant's mark are nearly identical and share the common element NAUTIC.

10. Petitioner's Goods and Services are substantially identical and generally related to the goods marketed and sold by Registrant.

11. Petitioner has priority of use of the mark NAUTICA.

12. Since Petitioner owns Petitioner's Marks by virtue of prior use, confusion, mistake or deception as to the source of origin of the goods will arise and will injure and damage the Petitioner and its goodwill.

13. The continued registration of Registrant's mark to Registrant will cause the relevant purchasing public to erroneously assume and thus be confused, misled, or deceived, that Registrant's Goods are made by, licensed by, controlled by, sponsored by, or in some way connected, related or associated with Petitioner, all to Petitioner's irreparable damage.

14. As a result of Petitioner's long use, extensive advertising and promotion, and successful sales for many years, Petitioner's Marks have become distinctive and famous, long prior to any date which may be claimed by Registrant.

15. The continued registration of Registrant's mark to Registrant is likely to cause dilution by the blurring of the distinctiveness of Petitioner's Marks, all to Petitioner's irreparable damage.

16. Petitioner's customers have come to recognize and expect a certain distinct quality of Petitioner's Goods and Services under Petitioner's Marks, such that the inevitable association

of Registrant's Goods bearing a confusingly similar mark with Petitioner's Goods bearing Petitioner's Marks is likely to cause dilution by tarnishment thus harming the reputation of Petitioner and Petitioner's famous marks.

17. Petitioner believes that it is and will be damaged by the continued registration of the mark applied for by Applicant. The continued existence of Reg. No. 3468343 creates a serious cloud on Petitioner's continued right to use NAUTICA, alone or in combination, for the goods set forth in its application.

18. Upon information and belief, Registrant may be served directly and through its domestic representative as follows:

Frank Dilbakowski  
Königsbergerstr. 15  
31737 Rinteln  
Fed Rep Germany

John Alunit  
Patel & Alunit, PC  
16830 Ventura Blvd., Suite 360  
Encino, California 91436

WHEREFORE, Petitioner prays that Reg. No. 3468343 for the mark NAUTICFISH be canceled.

Please recognize as attorneys for Petitioner in this proceeding BAKER and RANNELLS, PA, maintaining offices at 575 Route 28, Suite 102, Raritan, New Jersey 08869 and New York, New York. All correspondence is to be directed to:

Baker and Rannells, PA  
Attn: Stephen L. Baker

575 Route 28, Suite 102  
Raritan, New Jersey 08869

BAKER and RANNELLS, PA

Dated: August 6, 2008

/s/Stephen L. Baker  
Stephen L. Baker  
Neil B. Friedman  
Attorney for Petitioner  
575 Route 28, Suite 102  
Raritan, New Jersey 08869  
Tel. 908-722-5640  
Fax 908 725 7088

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of Petitioner's Petition to Cancel in re NAUTICA APPAREL, INC. v. FRANK DILBAKOWSKI, was forwarded by first class postage prepaid mail by depositing the same with the U.S. Postal Service on this 6th day of August, 2008 to Registrant and its domestic representative at the following addresses:

Frank Dilbakowski  
Königsbergerstr. 15  
31737 Rinteln  
Fed Rep Germany

And

John Alumit  
Patel & Alumit, PC  
16830 Ventura Blvd., Suite 360  
Encino, California 91436

/Neil B. Friedman/  
Neil B. Friedman